

Case Number Issued: C10-18-19

BOARD OF ADJUSTMENT APPEAL APPLICATION

Submittals must be filed in person by appointment and will be accepted ONLY by Zoning Administration Staff at PDSD, 2nd Floor north, Public Works Building, 201 North Stone Avenue. The submittal MUST INCLUDE all the items listed on the Board of Adjustment Submittal Checklist. Contact Board of Adjustment staff at 791-5550. (The application must be filled out completely, and be signed by the property owner or authorized agent.)

DESIGN DEVELOPMENT OPTION CASE NUMBER: DDO- 18- 62
(DDO Case subject to this appeal)

PROJECT NAME: DDO-18-62 (Stahlkoepff Property, 115 S. Silverbell Ave.)
(For example: Al's Bar & Grill, Freimen residence carport addition, or Palo Verde Shopping Center, etc.)

PROJECT ADDRESS: 115 S. Silverbell Avenue, Tucson, AZ 85745
(NOTE: If the site is vacant ask Pima Co. Addressing, 201 N. Stone, for an Administrative Address)

ZONING OF PROPERTY: R-2 (For example: R-1, C-2, I-1 or R-1/C-1 Authorized, etc.)

PROPERTY OWNER/S NAME (If ownership in escrow, please note):

Carlos and Veronica Stahlkoepff

[AGENT FOR APPELLANT INFORMATION]

AGENT (The person processing the application and who staff will send mailings to):

NAME: Michael S. Shupe

ADDRESS: 6700 N Oracle Road Suite 240

Tucson, Arizona

ZIP: 85704

PHONE: (520) 265 - 4462 FAX: () -

[APPELLANT INFORMATION]

NAME: Naveen Sydney

ADDRESS: 1408 W Congress Street

Tucson, Arizona

ZIP: 85745

PHONE: (850) 276 - 9356 FAX: () -

[SIGNATURE OF APPELLANT]:

B-1 Naveen Sydney FOR APPELLANT

BOARD OF ADJUSTMENT: APPLICATION FORM ATTACHMENT

REQUIRED DESIGN DEVELOPMENT OPTION (DDO) FINDINGS. Unified Development Code (UDC) Section 3.11.1.D.1 DDO General Findings ‘a’ through ‘j’ and for setback and wall height modification requests, Section 3.11.1.D.2 DDO Specific Findings ‘a’ through ‘e’. The Planning & Development Services Director (designee) denied or approved the DDO application based on “NONCOMPLIANCE” or “COMPLIANCE” with the DDO Finding(s) listed on the DDO Decision Letter (e.g. Findings ‘a’, ‘d’, and ‘i’, etc.). Refer to the Findings listed on the DDO Decision Letter and in your own words describe how the DDO request complies or does not comply with each of these listed Findings.

DDO FINDINGS (from DDO Decision Letter): See Attached.

[illegible]

BOARD OF ADJUSTMENT: APPLICATION FORM ATTACHMENT

Re: DDO findings

The DDO Decision set forth in the Notice of Zoning Decision dated July 26, 2108 states only that "A reduction of the east perimeter yard setback from (32'-3") to (20'-0") as measured from the new structure to the west (front) lot line has been APPROVED."

There is no reference to UDC Sections 3.11.1.D.1 a – j and 3.11.1.D.2 a – e in the Notice of Zoning Decision. The approval is only general in nature. Without waiving any objections based on the failure of the Notice of Zoning Decision to make separate findings of COMPLIANCE for approval, APPELLANT hereby assumes that each and every finding was of COMPLIANCE, and therefore, objects to the following findings:

SECTION 3.11.1.D.1 (f):

The Subject Property CAN be developed in conformity with the provisions of the applicable Chapter. There have been no findings nor has there been any showing indicating the Subject Property cannot be developed due to physical circumstances or conditions of the Subject Property. The Subject Property is not of irregular shape. The Subject Property is not narrow. There are no exceptional topographic conditions relevant to the Subject Property. The Location of the Subject Property is not unique, unusual, or otherwise compromised by any physical circumstances or conditions. The DDO Applicant's choice of design is the ONLY factor that has limited the development options on the Subject Property.

SECTION 3.11.1.D.1 (g):

The DDO Modification request creates a situation where the proposed development substantially reduces the amount of privacy that would be enjoyed by nearby residents, particularly Appellant. The substantial reduction in privacy is greater than would occur if not for the proposed modification. The proposed modification permits the construction of a residential structure in excess of 20 feet high to expand along a line parallel to Appellant's property approximately an additional 12 feet. A window is proposed at a level 17'-2" above the grade within the approximate 12 foot wide by 20 foot tall façade of the proposed encroachment into the 32"-3" setback that would otherwise be applicable without the DDO Modification. This second story view into Appellants' property would not exist to substantially reduce the amount of privacy enjoyed by Appellant but for the DDO Modification.

SECTION 3.11.1.D.2 (a):

The DDO Modification request creates a situation where the proposed development will obstruct significant views of dramatic land forms and parks, particularly Sentinel Peak and its park, from nearby properties, particularly Appellant's property. The obstruction of significant views would not occur if not for the proposed modification. As mentioned above, the DDO Modification will permit the construction of approximately a 12 foot wide and 20 foot tall completely opaque façade directly in line with a view of Sentinel Peak from Appellant's property. From Appellant's rear yard Lot line the additional façade represents approximately 24 degrees of visual obstruction (from eye level of a person six feet tall) of the scenic view of Sentinel Peak and the surrounding Park. This calculates to 100% obstruction of the scenic view across the 12 foot wide encroachment into the setback that would otherwise be applicable without the DDO Modification. This additional view obstruction would not exist but for the DDO Modification.

SECTION 3.11.1.D.2 (b):

The DDO Modification actually allows for design alternatives for development that are in direct opposition to the design character of the immediate neighborhood. The applicable neighborhood within Menlo Park is home to some of the oldest homes still standing in the Tucson metro and surrounding areas. Appellant's home and the residential units surrounding the Subject property date back to the turn of the 20th century, and are all one-story homes constructed of historical materials. The proposed development is of a design character that is antithetical to the historic nature of the immediately surrounding community. Furthermore, the proposed modification would serve to permit the further expansion of the design in direct contravention of the purposes for which the existing setback requirements exist. A building of the height proposed would normally restrict the footprint of a two story building so as to limit the effect of the resulting structure from dominating the site and surrounding property. However, the DDO Modification here, only allows further expansion inapposite to the design character of the immediate neighborhood.

PimaMaps Print

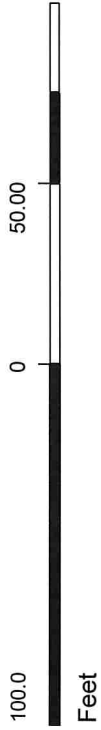
Legend

☐ Parcels



Notes:

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8/24/2018